

# House Study Bill 585

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to income withholding under the child support  
2 recovery program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5357DP 81  
5 pf/je/5

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1 1 Section 1. NEW SECTION. 252D.16A INCOME WITHHOLDING  
1 2 ORDER == CHILD SUPPORT RECOVERY UNIT.  
1 3 If support payments are ordered under this chapter, chapter  
1 4 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any  
1 5 other applicable chapter, or under a comparable statute of a  
1 6 foreign jurisdiction, and if income withholding relative to  
1 7 such support payments is allowed under this chapter, the child  
1 8 support recovery unit may enter an ex parte order notifying  
1 9 the person whose income is to be withheld of the procedure to  
1 10 file a motion to quash the order for income withholding, and  
1 11 ordering the withholding of sums to be deducted from the  
1 12 delinquent person's income as defined in section 252D.16  
1 13 sufficient to pay the support obligation and requiring the  
1 14 payment of such sums to the collection services center. The  
1 15 child support recovery unit shall include the amount of any  
1 16 delinquency and the amount to be withheld in the notice  
1 17 provided to the obligor pursuant to section 252D.17A. Notice  
1 18 of income withholding shall be provided to the obligor and to  
1 19 the payor of income pursuant to sections 252D.17 and 252D.17A.

1 20 Sec. 2. Section 252D.18, Code 2005, is amended by adding  
1 21 the following new subsection:  
1 22 NEW SUBSECTION. 1A. The child support recovery unit may  
1 23 modify an amount specified in an income withholding order or  
1 24 notice of income withholding by providing notice to the payor  
1 25 of income and the obligor pursuant to sections 252D.17 and  
1 26 252D.17A.

1 27 Sec. 3. RETROACTIVE APPLICABILITY == AMENDING RULES. This  
1 28 Act is retroactively applicable to support orders and income  
1 29 withholding orders entered or pending before July 1, 2006.  
1 30 Until the department of human services amends rules pursuant  
1 31 to chapter 17A to conform to this Act, any existing rule  
1 32 regarding an amount to be withheld or an amount of a  
1 33 delinquency in an income withholding order shall be  
1 34 interpreted to also mean that the unit may specify such an  
1 35 amount in a notice of income withholding in lieu of an income  
2 1 withholding order. Any existing rule providing a right to  
2 2 contest a new or modified income withholding order through the  
2 3 unit shall be interpreted to also mean a right to contest each  
2 4 notice of income withholding which specifies a new or modified  
2 5 total amount to withhold.

### EXPLANATION

2 7 This bill relates to income withholding of support  
2 8 payments.

2 9 The bill provides that the child support recovery unit,  
2 10 when issuing an ex parte income withholding order, include the  
2 11 amount of any delinquency and the amount to be withheld in the  
2 12 notice provided to the obligor under the existing Code section  
2 13 relating to provision of notice. The bill also provides that  
2 14 notice of income withholding is to be provided to the obligor  
2 15 and to the payor of income pursuant to existing Code  
2 16 provisions relating to that notice.

2 17 The bill also authorizes the child support recovery unit to  
2 18 modify the amount specified in an income withholding order or  
2 19 notice of income withholding by providing notice to the

2 20 obligor and the payor of income.  
2 21 The provisions of the bill are retroactively applicable to  
2 22 support orders and income withholding orders entered or  
2 23 pending prior to July 1, 2006. Until such time as the  
2 24 department of human services amends rules to reflect the  
2 25 changes in the bill, existing rules regarding an amount to be  
2 26 withheld or an amount of a delinquency in an income  
2 27 withholding order are to be interpreted to also mean that the  
2 28 unit may specify such an amount in a notice of income  
2 29 withholding in lieu of an income withholding order, and any  
2 30 existing rule providing a right to contest each new or  
2 31 modified income withholding order through the unit is to be  
2 32 interpreted to also mean a right to contest each notice of  
2 33 income withholding which specifies a new or modified total  
2 34 amount to withhold.  
2 35 LSB 5357DP 81  
3 1 pf:nh/je/5.1